IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 4682 of 2005
Date of decision : 30.10.2006.

The Oriental Insurance Company Ltd., Ambala Cantt.

....Petitioner.

Versus

Ved Pal & Ors.

...Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. D. P. Gupta ,Advocate
for the petitioner.

Mr. Jitendra Chauhan, Addl. A.G., Haryana.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 8.4.2005 passed by the learned Motor Accident Claims Tribunal, Karnal allowing the claimant-respondents to withdraw the claim petition on the plea that in view of the income proved on record, petition under Section 163-A of the Motor Vehicle Act was not competent. The petitioner has also been granted liberty for filing fresh claim petition on the same cause of action.

The learned counsel for the petitioner places reliance on the judgment of this Court in the case of **Amrik Singh Vs. Pritam Singh & Ors.** 1985(2) P.L.R. 44 to contend that once the plaint was allowed to be amended, subsequent application for withdrawal of the suit could not have been allowed.

I have gone through the above cited authority and find that the facts of the same are not at all applicable in the present case because in the present case the income of the deceased is more than Rs. 40,000/- per

annum, therefore, the petition under Section 163-A of the Motor Vehicle Act is not maintainable.

In view of this, there is no error in the order passed by the learned the Tribunal which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

October 30,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**